

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email oah.postmaster@oah.nc.gov.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 62 - ENVIRONMENTAL HEALTH SPECIALIST EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.1 that the State Board of Environmental Health Specialist Examiners intends to amend the rules cited as 21 NCAC 62 .0407 and .0411.

Codifier of Rules approved this rule as an emergency rule effective April 28, 2020 and received for publication the following notice and proposed temporary rule on April 20, 2020.

Public Hearing:

Date: May 15, 2020

Time: 11:00 a.m.

Location: (712) 775-7031, Access Code: 816685

Reason for Proposed Temporary Action: Due to the serious and unforeseen threat to the public health and safety caused by COVID-19, the State Board of Environmental Health Specialist Examiners adopted temporary rules simultaneously adopted as emergency rules. The Board adopted emergency rules without prior notice or hearing or upon any abbreviated notice or hearing the agency finds practical, because adherence to the notice and hearing requirements of this part would be contrary to the public interest and the immediate adoption of the rule is required by a serious and unforeseen threat to the public health, safety, or welfare. On 3/10/20, the Governor of North Carolina issued Executive Order No. 116, declaring a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. Additional Executive Orders prohibited mass gatherings and implemented a stay-at-home order for NC residents from 3/30/20 until 4/29/20, at the earliest. COVID-19, a respiratory disease, spreads easily from person to person and can result in serious illness or death. The Board seeks to contribute towards the social isolation efforts directed by the Federal and State Government and assist registrants who are unable to complete required training within the timelines outlined in 21 NCAC 62 .0407(e), 21 NCAC 62 .0407(f), 21 NCAC 62 .0407(k) and 21 NCAC 62 .0411.

Comment Procedures: Comments from the public shall be directed to: Donna Coffey, Board Assistant, Post Office Box 238, Efland, NC 27243; phone (919) 304-1168; fax (919) 304-1165; email rehs.board@dhhs.nc.gov. The comment period begins April 27, 2020 and ends May 18, 2020.

SECTION .0400 - RULES OF OPERATION

21 NCAC 62 .0407 RENEWAL

(a) Applications for renewal shall be filed with the Board on a form provided by the Board and available from the Board website at: www.rsboard.com or from the Division of Environmental Health, 1630 Mail Service Center, Raleigh, NC 27699-1630. The renewal form may also be generated by the Registered Sanitarian Training and Authorization (RSTAS) computer system at: <http://apps.bluelizard.com/RSTAS/>.

(b) The renewal application shall be completed and signed by the applicant.

(c) Renewal fees shall be paid in accordance with Rule .0405(a)(5) of this Section. The renewal application shall be posted on the Board's website at www.rsboard.com by October 1 of each year. The individual shall download and submit the application for renewal to the Board. Individuals may also contact the Board at the Division of Environmental Health, 1630 Mail Service Center, Raleigh, NC 27699-1630 for a copy.

(d) Registered environmental health specialists or registered environmental health specialists interns who fail to renew by December 31 shall be notified by the Board that their registration has expired and that they may not practice as a registered environmental health specialist or a registered environmental health specialists intern until they have met the requirements for renewal.

(e) An environmental health law course based on North Carolina laws and rules with at least 15 contact hours approved by the Board shall be completed within the first four years of the date of most recent registration by the Board. This timeframe shall be extended by one additional year for anyone whose fourth year occurs in 2020.

(f) Registered environmental health specialists or registered environmental health specialists interns shall complete a minimum of 15 instructional clock hours of continuing education acceptable to the Board each ~~year~~ year, except the 15 hours shall not be required for the year ending December 31, 2020. Continuing education acceptable to the Board includes:

- (1) the specialized training course required in Rule .0411 of this Section;
- (2) District Environmental Health Section Educational meetings;
- (3) professional association courses and educational meetings;
- (4) seminars or courses offered by the North Carolina State of Practice Committee;
- (5) completion of a job related course offered by a college or university accredited by the Council of Higher Education Accreditation with the hours credited for the year that the course is completed;

- (6) successful completion of a job related course offered by the Centers for Disease Control and Prevention, the Food and Drug Administration, or the Environmental Protection Agency;
- (7) other practice-related training which:
 - (A) is technical in nature, related to the environment, environmental health or improving the practice of environmental health;
 - (B) is relevant to the actual job being performed by the participants or applicant;
 - (C) includes a method for determining the number of hours spent;
 - (D) includes a method of documentation for verification of completion;
 - (E) is available to all registered environmental health specialists and environmental health specialist interns; and
 - (F) has been granted approval by the Board based on the above standards; and

(g) Registrations that have expired may be renewed within 12 months after expiration upon submittal of application and payment of the renewal fee. The applicant shall provide verification to the Board that continuing education clock hours were obtained during the year since the expiration to comply with the requirements of this Section. Registrations that have expired for more than 12 months may not be renewed.

(h) Interns that are no longer employed in the field of environmental health in North Carolina may not renew.

(i) A registered environmental health specialist or a registered environmental health specialist intern in good standing whose active military service has impaired their ability to obtain the continuing education requirements in Paragraph (f) of this Rule are exempt from the continuing education requirement if written orders from their military unit are provided to the Board. In addition, the renewal fee is waived for each calendar year the environmental health specialist is on active duty.

(j) A registered environmental health specialist or registered environmental health specialist intern who is disabled may request a variance in continuing education hours during the period of the disability. The Board may grant or deny requests for variance in continuing education hours based on a disabling condition on a case by case basis, taking into consideration the particular disabling condition involved and its effect on the registered environmental health specialist or registered environmental health specialist's ability to complete the required hours. In considering the request, the Board may require additional documentation substantiating any specified disability.

(k) A maximum of five clock hours of approved continuing education, that is in excess of the required 15 clock hours, may be applied toward the continuing education requirements for the following year. A maximum of five clock hours of approved continuing education for the year ending December 31, 2020 may be applied toward the continuing education requirements for the following year.

Authority G.S. 90A-57; 90A-63; 90A-67; 93B-15.

21 NCAC 62 .0411 SPECIALIZED TRAINING

Every applicant for registration as a registered environmental health specialist intern shall complete the course entitled "Orientation and Initial Internship Training for Environmental Health Interns" offered by the Division of Environmental Health at the centralized training site within ~~42~~ 18 months of registration as a registered environmental health specialist intern.

Authority G.S. 90A-50; 90A-51; 90A-53; 90A-57.